

REMARKS

In response to the Office Action mailed January 11, 2005, Applicant respectfully requests reconsideration of the rejection of the claims in view of the foregoing new claims and the remarks set forth below.

In the Specification

Please amend the Specification by replacing the first paragraph on the first page of the application with the paragraph indicated above in "Amendments to the Specification." The specification as originally submitted inadvertently failed to note that this application is a continuation of U.S. Patent Application Serial No. 10/077,250, which is now U.S. Patent No. 6,777,652. Additionally, U.S. Patent No. 6,777,652 issued from a continuation-in-part of U.S. Patent Application Serial No. 09/652,115 filed on August 29, 2000 which has since issued as U.S. Patent No. 6,355,914.

Applicant respectfully submits that the failure to include the continuation language was simple oversight, as noted by the cover letter for the original filing, which notes that the instant application is a continuation of U.S. Patent Application Serial No. 10/077,250. Therefore, no deceit was intended, and Applicant respectfully requests that the Examiner enter the amendment to the specification.

In the Claims

This application has been carefully reviewed in light of the Office Action mailed January 11, 2005, with claims 1-8 having been canceled by the Applicant. Additionally, claims 9-19 are pending. The subject matter of new claims 9-19 is not introduced for reasons of patentability over the rejected claims 1-8. In light of the following remarks, Applicant respectfully submits that claims 9-19 are allowable over the prior art of record cited by the Examiner.

Particularly, Applicant submits that neither Leach nor Pettibone disclose, teach, or suggest the following elements of new independent claim 9:

a controller coupled to the power source and each of the upper and lower heating elements, wherein the controller is adapted to provide electrical power to each of the upper heating element and lower heating element

independently of one another, and wherein the controller comprises a memory programmed with software in which:

- a first temperature set point corresponds to the lower heating element;

- a second temperature set point corresponds to the first upper heating element; and

- at least one programmed cooking sequence having a specified time period; and

- a thermocouple adapted to measure the temperature inside the housing, the thermocouple further adapted to transmit the temperature measurement inside the housing to the controller, wherein the controller is adapted to cease the provision of electrical power to the lower heating element when the temperature transmitted by the thermocouple is greater than the first temperature set point, the controller is adapted to provide electrical power to the lower heating element when the temperature transmitted by the thermocouple is lower than the first temperature set point, the controller is adapted to cease the provision of electrical power to the upper heating element when the temperature transmitted by the sensor is greater than the second temperature set point, and the controller is adapted to provide electrical power to the upper heating element when the temperature transmitted by the sensor is less than the second temperature set point.

Accordingly, Applicant respectfully requests reconsideration and allowance of claim 9, along with claims 10-19, which depend from claim 9.

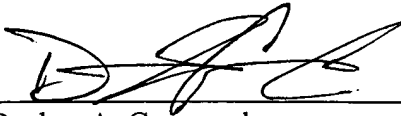
Enclosed is a check in the amount of \$60.00 for the extension fee. Please apply any deficiencies or any other required fees or any credits to deposit account 06-1050, referencing the attorney docket number shown above.

Applicant : Edward E. Stockley
Serial No. : 10/764,709
Filed : January 26, 2004
Page : 9 of 9

Attorney's Docket No.: 16725-010002

Respectfully submitted,

Date: 5-11-05



Decker A. Cammack
Reg. No. 48,486

Fish & Richardson P.C.
1717 Main Street
Suite 5000
Dallas, Texas 75201
Telephone: (214) 292-4049
Facsimile: (214) 747-2091